

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

IN RE: PHARMACEUTICAL INDUSTRY
AVERAGE WHOLESALE PRICE
LITIGATION

) MDL No. 1456
) Master File No. 1:01-CV-12257-PBS
) Sub-Category Case No. 1:08-CV-11200
)

THIS DOCUMENT RELATES TO:
*United States ex rel. Linnette Sun and Greg
Hamilton, Relators*
v.
*Baxter Hemoglobin Therapeutics and Baxter
International Inc.*

) Judge Patti B. Saris
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**BAXTER INTERNATIONAL INC.'S MOTION FOR LEAVE TO FILE
A MEMORANDUM IN EXCESS OF PAGE LIMITATION**

Baxter International Inc. ("Baxter") respectfully requests leave to file a memorandum in support of its Motion to Dismiss Relators' Complaint in excess of the page limitation imposed by District of Massachusetts Local Rule 7.1(b)(4). In their 74-page complaint, Relators allege 23 counts, many of which raise multiple arguments for dismissal. Baxter's brief exceeds the 20-page limit in Local Rule 7.1(b)(4) by less than three full pages.

Based on the foregoing, Baxter respectfully requests that the Court grant leave to exceed the page limit. Counsel for Baxter attempted to obtain the consent of Counsel for Relators prior to filing this motion, but Relators' Counsel refused to consent unless the reference to the number of pages and counts in Relators' Complaint was eliminated.

Respectfully submitted,

<p>Dated: August 14, 2009</p>	<p><u>/s/ Ruchi Jain</u> J. Andrew Jackson Merle M. DeLancey Tina D. Reynolds Ruchi Jain DICKSTEIN SHAPIRO LLP 1825 Eye Street NW Washington, DC 20006 Telephone: (202) 420-2200 Facsimile: (202) 420-2201 <i>Admitted pro hac vice</i></p> <p>Peter E. Gelhaar (BBO #188310) DONNELLY, CONROY & GELHAAR, LLP One Beacon Street, 33rd Floor Boston, MA 02108 Telephone: (617) 720-2880 Facsimile: (617) 720-3554</p> <p>Counsel for Defendant Baxter International Inc.</p>
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CERTIFICATION PURSUANT TO LOCAL RULE 7.1(a)(2)

I certify that the moving party has communicated with counsel for Relators in an effort to resolve the dispute referred to in this Motion, and that the parties have not been able to reach agreement with respect thereto.

/s/ Ruchi Jain
Ruchi Jain
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CERTIFICATE OF SERVICE

I hereby certify that I, Ruchi Jain, an attorney, caused a true and correct copy of the foregoing, Baxter International Inc.'s Motion For Leave To File Memorandum In Excess Of Page Limit, to be delivered to all counsel of record by electronic service via LexisNexis File & Serve, on August 14, 2009, for posting and notification to all parties.

/s/ Ruchi Jain
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